



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-4267/P1 /

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Strap RMR  
inverts

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3/14/12

Wanted today (or tomorrow)  
if possible (floor permitting)

SA

Person

1 AN ACT *to renumber and amend* 118.60 (7) (e) and 119.23 (7) (e) 1.; *to amend*  
2 115.28 (7) (b), 118.19 (1), 118.225 (intro.), 118.225 (3), 118.60 (7) (am) 1., 118.60  
3 (10) (d), 119.23 (7) (am) 1. and 119.23 (10) (d); *to repeal and recreate* 119.23  
4 (7) (f); and *to create* 115.28 (27), 118.30 (1m) (c), 118.30 (4m), 118.60 (6m) (b)  
5 5., 118.60 (6m) (e) and (f), 118.60 (6p), 118.60 (7) (b) 8., 9., 10., 11. and 14., 118.60  
6 (7) (e) 1. a. to f., 118.60 (7) (e) 2., 118.60 (10) (am) 4., 118.60 (11) (c) and (d), 118.60  
7 (12), 119.16 (15), 119.23 (6m) (b) 5., 119.23 (6m) (e) and (f), 119.23 (6p), 119.23  
8 (7) (b) 8., 9., 10., 11. and 14., 119.23 (7) (e) 1. a. to f., 119.23 (7) (e) 1m., 119.23  
9 (10) (am) 4., 119.23 (11) (c) and (d) and 119.23 (12) of the statutes; **relating to:**  
10 reporting of student testing results in public schools and in private schools  
11 participating in a parental choice program, a school assessment guide,

1 licensure of teachers in private schools participating in a parental choice  
2 program, and evaluation of teachers and principals.

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*Insert analysis*  
***Analysis by the Legislative Reference Bureau***

6 This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 115.28 (7) (b) of the statutes is amended to read:

4 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
5 applicants and granting and revocation of licenses or certificates under par. (a), the  
6 state superintendent shall grant certificates and licenses to teachers in private  
7 schools and tribal schools, except that teaching experience requirements for such  
8 certificates and licenses may be fulfilled by teaching experience in public, private,  
9 or tribal schools. An applicant is not eligible for a license or certificate unless the  
10 state superintendent finds that the private school or tribal school in which the  
11 applicant taught offered an adequate educational program during the period of the  
12 applicant's teaching therein. Private Except as provided in ss. 118.60 (7) (b) 9. and  
13 119.23 (7) (b) 9., private schools are not obligated to employ only licensed or certified  
14 teachers.

15 **SECTION 2.** 115.28 (27) of the statutes is created to read:

16 115.28 (27) SCHOOL ASSESSMENT GUIDE. Develop a guide for parents to use in  
17 assessing public and private schools, including charter schools. The guide shall  
18 include information on how to evaluate the academic performance of pupils enrolled

1 in a school, a school's academic opportunities, a school's expenditures per enrolled  
2 pupil, the education and experience levels of teachers, and the opportunities for  
3 parental involvement in a school and classroom, and may include additional  
4 information. In developing the guide, the department shall consult with the  
5 Wisconsin Association of School Boards, the Wisconsin Association of School District  
6 Administrators, the Wisconsin Charter Schools Association, the Wisconsin Council  
7 of Religious and Independent Schools, the Wisconsin Education Association Council,  
8 and School Choice Wisconsin, Inc. The department shall post the guide on its  
9 Internet site and make copies of the guide available to schools upon request.

10 **SECTION 3.** 118.19 (1) of the statutes is amended to read:

11 118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach  
12 in a public school, including a charter school, ~~or~~; in a school or institution operated  
13 by a county or the state; or, beginning in the 2012-13 school year and except as  
14 provided in ss. 118.60 (7) (b) 9. b. and 119.23 (7) (b) 9. b., in a private school  
15 participating in the program under s. 118.60 or 119.23 shall first procure a license  
16 or permit from the department.

17 **SECTION 4.** 118.225 (intro.) of the statutes, as affected by 2011 Wisconsin Act  
18 105, is amended to read:

19 **118.225 Teacher and principal evaluations.** (intro.) A school board may  
20 use value-added analyses of scores on pupil assessments and the examinations  
21 administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to evaluate teachers  
22 and principals if the school board has developed a teacher and principal evaluation  
23 plan that includes all of the following:

24 **SECTION 5.** 118.225 (3) of the statutes is amended to read:

1           118.225 (3) The rationale for using examination results to evaluate teachers  
2           and principals.

3           **SECTION 6.** 118.30 (1m) (c) of the statutes is created to read:

4           118.30 (1**m**) (c) To the extent permitted under 20 USC 1232g and 43 CFR part  
5           99, beginning in the 2012-13 school year, do all of the following:

6           1. a. Except as provided in subd. 1. b., report the scores from any examinations  
7           required to be administered under this subsection or sub. (6) or (7) for the 5 preceding  
8           school years on the school district's Internet site as soon as the information becomes  
9           available and no later than 30 days after receiving scores from the testing company.  
10          Scores under this subdivision shall be reported by grade and class and shall include  
11          the total number of questions, the number and percentage of questions each pupil  
12          answered correctly, the number of questions each pupil answered incorrectly, the  
13          mean percentile for the class, the mean average percentile distributions, the mean  
14          average scores, and the mean percentage distributions for the examination as a  
15          whole and for each of the following topics and subtopics: reading, including  
16          determining meaning, understanding texts, analyzing texts, and evaluating and  
17          extending texts; mathematics, including processing number operations, geometry,  
18          measurement, statistics and probability, and algebraic relationships; science; social  
19          studies; and any other topic or subtopic included in the examination.

20          b. A school district is not required to report the information under subd. 1. a.  
21          if the number of pupils in a category is insufficient to yield statistically reliable  
22          information or the results would reveal personally identifiable information about an  
23          individual pupil.

24          2. Provide the department with an electronic copy of the information described  
25          in subd. 1.

1 3. Provide the parent or guardian of each pupil enrolled in the school district  
2 with a paper copy of the information described in subd. 1. The information shall be  
3 printed in at least 12-point type and provided as soon as it becomes available and  
4 no later than 30 days after receiving scores from the testing company.

5 **SECTION 7.** 118.30 (4m) of the statutes is created to read:

6 118.30 (4m) The department shall report the information provided under sub.  
7 (1m) (c) 2. on the department's Internet site.

8 **SECTION 8.** 118.60 (6m) (b) 5. of the statutes is created to read:

9 118.60 (6m) (b) 5. Electronic copies of the information described in par. (f) 1.  
10 within 2 weeks of receiving the scores.

11 **SECTION 9.** 118.60 (6m) (e) and (f) of the statutes are created to read:

12 118.60 (6m) (e) Except as provided in sub. (6p), provide, annually to the  
13 department and upon request to any person, all of the following:

14 1. Rates of graduation, truancy, attendance, suspension, and expulsion in the  
15 previous school year, categorized as specified in par. (b) 3. d.

16 2. The private school's requirements for promotion from grade to grade and for  
17 graduation.

18 3. The private school's safety plan.

19 4. The number of pupils enrolled in the previous school year who were children  
20 with a disability, as defined s. 115.76 (5).

21 5. The services provided by the private school to pupils who are children with  
22 a disability, as defined in s. 115.76 (5).

23 6. The private school's attrition rate for teachers in the previous school year,  
24 as compared to the statewide attrition rate in the previous school year and the  
25 attrition rate of the eligible school district in the previous school year.

Insert 5-5A  
5-5B  
5-5C

1           7. The private school's budget, specifying all existing indebtedness and all  
2           anticipated revenue from all sources during the ensuing fiscal year and all proposed  
3           expenditures during the ensuing fiscal year, and a 5-year budget plan.

4           (f) 1. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and  
5           except as provided in sub. (6p), keep paper copies of all of the following, printed in  
6           at least 12-point type and updated with current information as soon as the  
7           information becomes available and, in the case of scores on standardized  
8           examinations, no later than 30 days after receiving scores from the testing company,  
9           in a binder at the school's front desk:

10          a. Beginning in the 2012-13 school year and in every school year thereafter,  
11          scores from any examinations administered as required under s. 118.30 (1t) in that  
12          school year. Scores under this subd. 1. a. shall be reported by grade and class and  
13          shall include the total number of questions, the number and percentage of questions  
14          each pupil answered correctly, the number of questions each pupil answered  
15          incorrectly; the mean percentile for the class, the mean average percentile  
16          distributions, the mean average scores, and the mean percentage distributions for  
17          the examination as a whole and for each of the following topics and subtopics:  
18          reading, including determining meaning, understanding texts, analyzing texts, and  
19          evaluating and extending texts; mathematics, including processing number  
20          operations, geometry, measurement, statistics and probability, and algebraic  
21          relationships; science; social studies; and any other topic or subtopic included in the  
22          examination.

23          b. In the 2012-13 school year, if the private school has administered the Iowa  
24          test in the 5 preceding school years, the scores reported by school, grade, class, and  
25          subject, including the mean average scores, for those 5 preceding school years, and

1 if the private school administers the Iowa test in the 2013-14 school year and in any  
2 school year thereafter, the scores reported by school, grade, class, and subject,  
3 including the mean average scores, for that school year.

4 c. If the private school administers any other standardized examinations,  
5 beginning in the 2012-13 school year and in every school year thereafter, scores from  
6 those examinations reported in the same manner as scores are reported for the  
7 examinations described under subd. 1. b.

8 d. Beginning in the 2012-13 school year and in every school year thereafter,  
9 scores, including the mean average scores, from any ACT tests administered in that  
10 school year to pupils attending the private school, reported by grade and subject.

11 e. Beginning in the 2012-13 school year and in every school year thereafter, the  
12 number of pupils attending the private school who were in advanced placement  
13 classes in the 5 preceding school years, the subjects, the percentage of pupils in each  
14 such class who passed, and the percentage of pupils in each such class who failed.

15 2. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and except  
16 as provided in sub. (6p), provide the parent of each pupil attending the school under  
17 this section with a paper copy of the information provided under subd. 1. as soon as  
18 the information becomes available and no later than 30 days after receiving scores  
19 from the testing company, except that scores under subd. 1. b. shall be reported 2  
20 times during the school year.

21 3. Provide the parent or guardian of a pupil attending the private school with  
22 a paper reporting, anonymously, the average assessment growth on all examinations  
23 administered to the pupils when the examinations are administered in the same  
24 school year but on different occasions. Scores under this subdivision shall be reported  
25 by grade, class, and, when possible, subject.

4. To the extent permitted under 20 USC 1232g and 43 CFR part 99 and except as provided in sub. (6p), upon the request of any person, provide an electronic or paper copy of the scores, including the mean average scores, of standardized examinations administered to pupils attending the private school, categorized by classroom and by subject, within 10 working days of the request.

5. Provide the Internet address of the Wisconsin Information Network for Successful Schools and the scores reported as required under subd. 1. b. in the school newsletter at least twice during the school term.

6. Provide a list of the names of the members of the board of directors of the private school or of the entity that oversees the private school.

7. Prominently display the Measures of Academic Progress growth assessments on the wall of the private school.

**SECTION 10.** 118.60 (6p) of the statutes is created to read:

**118.60 (6p)** A private school participating in the program under this section is not required to categorize the information under sub. (6m) (e) 1., or disclose the information under sub. (6m) (e) and (f) 1., 2., and 4., if the number of pupils in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil.

**SECTION 11.** 118.60 (7) (am) 1. of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

**118.60 (7) (am) 1.** An independent financial audit of the private school conducted by an independent certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those records that are necessary for the department to make

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1     payments under subs. (4) and (4m), except that the certified public accountant  
2     conducting the audit shall include a report on the private school's compliance with  
3     par. (b) 4. and 6. The auditor shall conduct his or her audit, including determining  
4     sample sizes and evaluating financial viability, in accordance with the auditing  
5     standards established by the American Institute of Certified Public Accountants.  
6     The department may not require an auditor to comply with standards that exceed  
7     the scope of the standards established by the American Institute of Certified Public  
8     Accountants.

9           **SECTION 12.** 118.60 (7) (b) 8., 9., 10., 11. and 14. of the statutes are created to  
10    read:

11           118.60 (7) (b) 8. Post on the private school's Internet site the current report card  
12    prepared for the private school by the department as required under sub. (11) (d).

13           9. a. Except as provided in subd. 9. b., beginning in the 2012-13 school year,  
14    ensure that every teacher, supervisor, administrator, and professional staff member  
15    holds a license or permit to teach issued by the department.

16           b. For any teacher, supervisor, administrator, or professional staff member  
17    teaching in a participating private school on the effective date of this subd. 9. b. ....  
18    [LRB inserts date], ensure that the teacher, supervisor, administrator, and  
19    professional staff member holds a license or permit to teach issued by the department  
20    beginning in the 2017-18 school year.

21           10. Develop policies on truancy, excused and unexcused absences, bullying,  
22    pupil engagement in learning activities, promoting the emotional development of  
23    pupils, student differentiation, promoting practices designed to provide instruction  
24    to each pupil based on the pupil's abilities, and promoting parental involvement and  
25    volunteerism. The latter policy shall describe the circumstances under which a

1 pupil's parent or guardian may volunteer, shadow the pupil in school, and observe  
2 the pupil in the pupil's classes. The department shall develop model policies on all  
3 of these subjects.

4 11. a. Except as provided in subd. 11. b., make available the scores and other  
5 information prepared and reported under sub. (6m) (f) 1. on the private school's  
6 Internet site as soon as the information becomes available and no later than 30 days  
7 after receiving scores from the testing company. The private school shall  
8 prominently display on the home page of the private school's Internet site a link to  
9 the scores reported as required under this subd. 11. a.

10 b. If a private school does not have an Internet site, the information required  
11 to be made available under subd. 11. a. shall be made available on the Internet site  
12 of the religious entity that operates or oversees the private school.

13 14. Annually evaluate the effectiveness of each teacher employed by the private  
14 school on the basis of pupil scores on the examinations administered under sub. (7)  
15 (e); the Measures of Academic Progress, developed by the Northwest Evaluation  
16 Association; ACT tests; and the Scholastic Math Inventory and Scholastic Reading  
17 Inventory assessment, developed by Scholastic, Inc.

18 **SECTION 13.** 118.60 (7) (e) of the statutes, as created by 2011 Wisconsin Act 32,  
19 is renumbered 118.60 (7) (e) 1. (intro.) and amended to read:

20 118.60 (7) (e) 1. (intro.) Each private school participating in the program under  
21 this section shall administer the examinations required under s. 118.30 (1t) to pupils  
22 attending the school under the program. The private school may administer  
23 additional standardized tests to such pupils. If the private school administers the  
24 Iowa test to pupils, the private school shall determine the average scores and the  
25 mean percentage or mean percentile for each class and the percentile distribution of

1 the scores of the pupils to whom the Iowa test was administered in each of the  
2 following categories and shall post the results of the determination under this  
3 subdivision on the Internet site of the private school, or, if the private school does not  
4 maintain an Internet site, on the Internet site of the religious entity that operates  
5 or oversees the private school, and shall provide a written copy of the results of this  
6 determination, reported by class and grade when possible, to the department and to  
7 the parent or guardian of each such pupil:

8 **SECTION 14.** 118.60 (7) (e) 1. a. to f. of the statutes are created to read:

9 118.60 (7) (e) 1. a. Reading, including vocabulary and reading comprehension.

10 b. Language, including spelling, capitalization, punctuation, usage, and  
11 expression.

12 c. Math, including concepts, estimations, problem solving, data interpretation,  
13 and computation.

14 d. Social studies.

15 e. Sources of information, including maps, diagrams, and reference materials.

16 f. Composite totals.

17 **SECTION 15.** 118.60 (7) (e) 2. of the statutes is created to read:

18 118.60 (7) (e) 2. The department shall post the information received from a  
19 private school that administers the Iowa exam, as provided under subd. 1., on the  
20 department's Internet site.

21 **SECTION 16.** 118.60 (10) (am) 4. of the statutes is created to read:

22 118.60 (10) (am) 4. The private school has violated s. 100.18 (1).

23 **SECTION 17.** 118.60 (10) (d) of the statutes, as created by 2011 Wisconsin Act  
24 32, is amended to read:

1           118.60 (10) (d) The state superintendent may withhold payment from a private  
2 school under subs. (4) and (4m) if the private school violates this section or s. 118.125  
3 (4).

4           **SECTION 18.** 118.60 (11) (c) and (d) of the statutes are created to read:

5           118.60 (11) (c) Develop a format for private schools participating in the  
6 program under this section to electronically transmit scores from the Iowa test when  
7 that test is administered by a participating private school.

8           (d) Using the information reported to the department as required under sub.  
9 (6m) (b) 3. and 5., annually, by October 1, prepare a report card for each private school  
10 participating in the program under this section and post the report cards on the  
11 department's Internet site.

12           **SECTION 19.** 118.60 (12) of the statutes is created to read:

13           118.60 (12) The department may develop a format for private schools  
14 participating in the program under this section to electronically transmit scores from  
15 any standardized examination administered to pupils attending a participating  
16 private school.

17           **SECTION 20.** 119.16 (15) of the statutes is created to read:

18           119.16 (15) **MILWAUKEE PARENTAL CHOICE PROGRAM; REPORT.** Annually the board  
19 shall report to the legislature, in the manner provided under s. 13.172 (2), all of the  
20 costs it incurred in the previous school year in connection with the Milwaukee  
21 parental choice program under s. 119.23, including state and local transportation  
22 costs and the costs of providing special education and related services to pupils  
23 attending private schools under s. 119.23.

24           **SECTION 21.** 119.23 (6m) (b) 5. of the statutes is created to read:

1           119.23 (6m) (b) 5. Electronic copies of the information described in par. (f) 1.  
2       within 2 weeks of receiving the scores.

3           **SECTION 22.** 119.23 (6m) (e) and (f) of the statutes are created to read:

4           119.23 (6m) (e) Except as provided in sub. (6p), provide, annually to the  
5       department and upon request to any person, all of the following:

6           1. Rates of graduation, truancy, attendance, suspension, and expulsion in the  
7       previous school year, categorized as specified in par. (b) 3. d.

8           2. The private school's requirements for promotion from grade to grade and for  
9       graduation.

10          3. The private school's safety plan.

11          4. The number of pupils enrolled in the previous school year who were children  
12       with a disability, as defined s. 115.76 (5).

13          5. The services provided by the private school to pupils who are children with  
14       a disability, as defined in s. 115.76 (5).

15          6. The private school's attrition rate for teachers in the previous school year,  
16       as compared to the statewide attrition rate in the previous school year and the  
17       attrition rate of the school district operating under this chapter in the previous school  
18       year.

19          7. The private school's budget, specifying all existing indebtedness and all  
20       anticipated revenue from all sources during the ensuing fiscal year and all proposed  
21       expenditures during the ensuing fiscal year, and a 5-year budget plan.

22          (f) 1. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and  
23       except as provided in sub. (6p), keep paper copies of all of the following, printed in  
24       at least 12-point type and updated with current information as soon as the  
25       information becomes available and, in the case of scores on standardized

1 examinations, no later than 30 days after receiving scores from the testing company,  
2 in a binder at the school's front desk:

3 a. Beginning in the 2012-13 school year and in every school year thereafter,  
4 scores from any examinations administered as required under s. 118.30 (1s) in that  
5 school year. Scores under this subd. 1. a. shall be reported by grade and class and  
6 shall include the total number of questions, the number and percentage of questions  
7 each pupil answered correctly, the number of questions each pupil answered  
8 incorrectly, the mean percentile for the class, the mean average percentile  
9 distributions, the mean average scores, and the mean percentage distributions for  
10 the examination as a whole and for each of the following topics and subtopics:  
11 reading, including determining meaning, understanding texts, analyzing texts, and  
12 evaluating and extending texts; mathematics, including processing number  
13 operations, geometry, measurement, statistics and probability, and algebraic  
14 relationships; science; social studies; and any other topic or subtopic included in the  
15 examination.

16 b. In the 2012-13 school year, if the private school has administered the Iowa  
17 test in the 5 preceding school years, the scores reported by school, grade, class, and  
18 subject, including the mean average scores, for those 5 preceding school years, and  
19 if the private school administers the Iowa test in the 2013-14 school year and in any  
20 school year thereafter, the scores reported by school, grade, class, and subject,  
21 including the mean average scores, for that school year.

22 c. If the private school administers any other standardized examinations,  
23 beginning in the 2012-13 school year and in every school year thereafter, scores from  
24 those examinations reported in the same manner as scores are reported for the  
25 examinations described under subd. 1. b.

1           d. Beginning in the 2012-13 school year and in every school year thereafter,  
2       scores, including the mean average scores, from any ACT tests administered in that  
3       school year to pupils attending the private school, reported by grade and subject.

4           e. Beginning in the 2012-13 school year and in every school year thereafter, the  
5       number of pupils attending the private school who were in advanced placement  
6       classes in the 5 preceding school years, the subjects, the percentage of pupils in each  
7       such class who passed, and the percentage of pupils in each such class who failed.

8           2. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and except  
9       as provided in sub. (6p), provide the parent of each pupil attending the school under  
10      this section with a paper copy of the information provided under subd. 1. as soon as  
11      the information becomes available and no later than 30 days after receiving scores  
12      from the testing company, except that scores under subd. 1. b. shall be reported 2  
13      times during the school year.

14          3. Provide the parent or guardian of a pupil attending the private school with  
15      a paper reporting, anonymously, the average assessment growth on all examinations  
16      administered to the pupils when the examinations are administered in the same  
17      school year but on different occasions. Scores under this subdivision shall be reported  
18      by grade, class, and, when possible, subject.

19          4. To the extent permitted under 20 USC 1232g and 43 CFR part 99 and except  
20      as provided in sub. (6p), upon the written request of any person, provide an electronic  
21      or paper copy of the scores, including the mean average scores, of standardized  
22      examinations administered to pupils attending the private school, categorized by  
23      classroom and by subject, within 10 working days of the request.

5. Provide the Internet address of the Wisconsin Information Network for Successful Schools and the scores reported as required under subd. 1. b. in the school newsletter at least twice during the school term.

6. Provide a list of the names of the members of the board of directors of the private school or of the entity that oversees the private school. Prominently display the measures of Academic Progress growth assessments on the wall of the private school.

7. Prominently display the Measures of Academic Progress growth assessments on the wall of the private school.

**SECTION 23.** 119.23 (6p) of the statutes is created to read:

**119.23 (6p)** A private school participating in the program under this section is not required to categorize the information under sub. (6m) (e) 1. or disclose the information under sub. (6m) (e) and (f) 1., 2., and 4., if the number of pupils in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil.

**SECTION 24.** 119.23 (7) (am) 1. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

**119.23 (7) (am) 1.** An independent financial audit of the private school conducted by an independent certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those records that are necessary for the department to make payments under subs. (4) and (4m), except that the certified public accountant conducting the audit shall include a report on the private school's compliance with par. (b) 4. and 6. The auditor shall conduct his or her audit, including determining

Insert 16-8



1 sample sizes and evaluating financial viability, in accordance with the auditing  
2 standards established by the American Institute of Certified Public Accountants.  
3 The department may not require an auditor to comply with standards that exceed  
4 the scope of the standards established by the American Institute of Certified Public  
5 Accountants.

6 **SECTION 25.** 119.23 (7) (b) 8., 9., 10., 11. and 14. of the statutes are created to  
7 read:

8 119.23 (7) (b) 8. Post on the private school's Internet site the current report card  
9 prepared for the private school by the department as required under sub. (11) (d).

10 9. a. Except as provided in subd. 9. b., beginning in the 2012-13 school year,  
11 ensure that every teacher, supervisor, administrator, and professional staff member  
12 holds a license or permit to teach issued by the department.

13 b. For any teacher, supervisor, administrator, or professional staff member  
14 teaching in a participating private school on the effective date of this subd. 9. b. ....  
15 [LRB inserts date], ensure that the teacher, supervisor, administrator, or  
16 professional staff member holds a license or permit to teach issued by the department  
17 beginning in the 2017-18 school year.

18 10. Develop policies on truancy, excused and unexcused absences, bullying,  
19 pupil engagement in learning activities, promoting the emotional development of  
20 pupils, student differentiation, promoting practices designed to provide instruction  
21 to each pupil based on the pupil's abilities, and promoting parental involvement and  
22 volunteerism. The latter policy shall describe the circumstances under which a  
23 pupil's parent or guardian may volunteer, shadow the pupil in school, and observe  
24 the pupil in the pupil's classes. The department shall develop model policies on all  
25 of these subjects.

11. a. Except as provided in subd. 11. b., make available the scores and other information prepared and reported under sub. (6m) (f) 1. on the private school's Internet site as soon as the information becomes available and no later than 30 days after receiving scores from the testing company. The private school shall prominently display on the home page of the private school's Internet site a link to the scores reported as required under this subd. 11. a.

b. If a private school does not have an Internet site, the information required to be made available under subd. 11. a. shall be made available on the Internet site of the religious entity that operates or oversees the private school.

14. Annually evaluate the effectiveness of each teacher employed by the private school on the basis of pupil scores on the examinations administered under sub. (7) (e) 1.; the Measures of Academic Progress, developed by the Northwest Evaluation Association; the ACT tests; and the Scholastic Math Inventory and Scholastic Inventory assessments, developed by Scholastic, Inc.

**SECTION 26.** 119.23 (7) (e) 1. of the statutes is renumbered 119.23 (7) (e) 1. (intro.) and amended to read:

119.23 (7) (e) 1. (intro.) In the 2009-10 school year, each private school participating in the program under this section shall administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010-11 school year and annually thereafter, each private school participating in the program under this section shall administer the examinations required under s. 118.30 (1s) to pupils attending the school under the program. The private school may administer additional standardized tests to such pupils. Beginning in 2006 and annually thereafter until 2011, the private school shall provide the scores of all standardized

1 tests and examinations that it administers under this subdivision to the School  
2 Choice Demonstration Project. If the private school administers the Iowa test to  
3 pupils, the private school shall determine the average scores and the mean  
4 percentage or mean percentile for each class and the percentile distribution of the  
5 scores of the pupils to whom the Iowa test was administered in each of the following  
6 categories and shall post the results of the determination under this subdivision on  
7 the Internet site of the private school, or, if the private school does not maintain an  
8 Internet site, on the Internet site of the religious entity that operates or oversees the  
9 private school, and shall provide a written copy of the results of this determination,  
10 reported by class and grade when possible, to the department and to the parent or  
11 guardian of each such pupil:

12 **SECTION 27.** 119.23 (7) (e) 1. a. to f. of the statutes are created to read:

13 119.23 (7) (e) 1. a. Reading, including vocabulary and reading comprehension.

14 b. Language, including spelling, capitalization, punctuation, usage, and  
15 expression.

16 c. Math, including concepts, estimations, problem solving, data interpretation,  
17 and computation.

18 d. Social studies.

19 e. Sources of information, including maps, diagrams, and reference materials.

20 f. Composite totals.

21 **SECTION 28.** 119.23 (7) (e) 1m. of the statutes is created to read:

22 119.23 (7) (e) 1m. The department shall post the information received from a  
23 private school that administers the Iowa exam, as provided under subd. 1., on the  
24 department's Internet site.

25 **SECTION 29.** 119.23 (7) (f) of the statutes is repealed and recreated to read:

1           119.23 (7) (f) A private school that is not accredited under sub. (2) (a) 7. shall  
2       apply for accreditation by December 31 of the school year in which it enters or  
3       reenters the program under this section.

4           **SECTION 30.** 119.23 (10) (am) 4. of the statutes is created to read:

5           119.23 (10) (am) 4. The private school has violated s. 100.18 (1).

6           **SECTION 31.** 119.23 (10) (d) of the statutes, as affected by 2011 Wisconsin Act  
7       32, is amended to read:

8           119.23 (10) (d) The state superintendent may withhold payment from a private  
9       school under subs. (4) and (4m) if the private school violates this section or s. 118.125  
10      (4).

11          **SECTION 32.** 119.23 (11) (c) and (d) of the statutes are created to read:

12          119.23 (11) (c) Develop a format for private schools participating in the  
13       program under this section to electronically transmit scores from the Iowa test when  
14       that test is administered by a participating private school.

15          (d) Using the information reported to the department as required under sub.  
16       (6m) (b) 3. and 5., annually, by October 1, prepare a report card for each private school  
17       participating in the program under this section and post the report cards on the  
18       department's Internet site.

19          **SECTION 33.** 119.23 (12) of the statutes is created to read:

20          119.23 (12) The department may develop a format for private schools  
21       participating in the program under this section to electronically transmit scores from  
22       any standardized examination administered to pupils attending a participating  
23       private school.

24          **SECTION 34. Nonstatutory provisions.**

25          (1) RESULTS OF EXAMINATIONS.

1 (a) By the 30th day after the day of publication of this act, each private school  
2 participating in the program under section 118.60 or 119.23 of the statutes, as  
3 affected by this act, shall ensure that the results of all standard examinations  
4 administered in the previous 5 years to pupils attending the private school under  
5 section 118.60 or 119.23 of the statutes, as affected by this act, categorized by subject  
6 area, grade, sex, race, disability, and economic status, are provided to the department  
7 of public instruction. The department shall post the results on its Internet site.

8 (b) A private school participating in the program under section 118.60 or 119.23  
9 of the statutes, as affected by this act, is not required to categorize the information  
10 under paragraph (a) if the number of pupils in a category is insufficient to yield  
11 statistically reliable information or the results would reveal personally identifiable  
12 information about an individual pupil.

13 (2) SCHOOL ASSESSMENT GUIDE. The department of public instruction shall  
14 ensure that the school assessment guide required under section 115.28 (27) of the  
15 statutes, as created by this act, is available by the first day of the 10th month  
16 beginning after the effective date of this subsection.

17 **SECTION 35. Initial applicability.**

18 (1) The treatment of section 118.60 (6m) (e) and (f), (7) (am) 1., (b) 10., and (10)  
19 (am) 4. of the statutes first applies to private schools participating in the program  
20 under section 118.60 of the statutes and to pupils who apply to attend, and to pupils  
21 who attend, a private school under section 118.60 of the statutes in the 2012-13  
22 school year.

23 (2) The treatment of sections 119.16 (15) and 119.23 (6m) (e) and (f), (7) (am)  
24 1., (b) 10., and (f), and (10) (am) 4. of the statutes first applies to private schools  
25 participating in the program under section 119.23 of the statutes and to pupils who

3           (3) The treatment of section 118.225 (intro.) and (3) of the statutes first applies  
4           to pupil assessments and examinations administered during the 2012-13 school  
5           year.

6 (END)

1

### Insert analysis

This bill makes a number of changes in the laws governing public schools, including charter schools, and private schools participating in a parental choice program (PCP). Under the PCP, a pupil who resides in the city of Milwaukee or in an eligible school district (the Racine Unified School District) may attend a private school at state expenses under certain conditions. The changes under the bill include the following:

#### **Teacher and principal evaluations**

Under current law, a school board may use value-added analyses of scores on standardized examinations required to be administered to pupils under state and federal law to evaluate the pupils' teachers if the school board has developed a teacher evaluation plan with several specified elements. This bill permits school boards to use value-added analyses of scores on both standardized examinations and pupil assessments to evaluate not just teachers but also principals. The bill also requires PCP schools to annually evaluate the effectiveness of each teacher employed by the private school on the basis of pupil scores, standardized examinations, and pupil assessments.

#### **School assessment guide**

The bill directs the Department of Public Instruction (DPI) to develop a guide for parents to use in assessing public and private schools, including charter schools. The guide must include a variety of information, including information on how to evaluate the academic performance of pupils enrolled in a school, a school's academic opportunities, and a school's expenditures per enrolled pupil. The guide must be developed in consultation with specified public and private educational organizations. DPI must then post the guide on its website and make copies available to schools upon request.

#### **Teacher licensure**

Under current law, a person is not required to be licensed to teach in any private school. Beginning in the 2012-13 school year, this bill requires each private school participating in a PCP to ensure that every teacher, principal, administrator, and professional staff member holds a license or permit to teach issued by DPI.

#### **Cost report for Milwaukee Public Schools (MPS)**

The bill requires Milwaukee Public Schools to report annually to the legislature the costs it incurred in the previous school year in connection with the PCP, including transportation costs and costs of providing special education to pupils attending private schools under the PCP.

#### **Disclosure requirements**

The bill requires each PCP school to provide, annually to DPI and upon request to any person, all of the following:

1. Rates of graduation, truancy, attendance, suspension, and expulsion in the previous school year.

2. The private school's requirements for promotion from grade to grade and for graduation.
3. The number of pupils with disabilities enrolled in the previous school year.
4. The services provided by the private school to pupils with disabilities.
5. The private school's safety plan.
6. The private school's attrition rate for teachers in the previous school year, as compared to the statewide attrition rate and the attrition rate of the eligible school district or of the MPS, as appropriate, in the previous school year.
7. The private school's budget for the ensuing fiscal year and a five-year budget plan.

8. The private school's academic standards.
9. The number of pupils attending the private school who are in advanced placement classes, the percentage of pupils in such classes who pass, and the increase in scores on standardized mathematics examinations by academic year.

The bill directs DPI to prepare a report card for each PCP school and post the report cards on DPI's Internet site. Each PCP school must post its report card on its Internet site.

The bill requires DPI to request from each choice school the following information about the pupils attending the school, which the private school may provide:

1. The percentage of the pupils who are minority pupils.
2. The percentage of pupils who identify themselves as religious.

### ***Disclosure of results of tests, assessments, and standardized examinations***

Under current law, each private school participating in a PCP must provide to DPI (and, upon request, to any pupil who attends or who is applying to attend the private school) pupil scores on certain standardized examinations for each of the previous five school years. To the extent permitted by federal law and to ensure confidentiality of records, beginning in the 2012-13 school year, the bill requires each participating private school to report scores for any assessments and examinations administered to pupils attending the private school, and to make the information available in several formats and at a specified level of detail associated with each format. The formats include posting scores on the Internet web page of the private school or the organization that oversees the private school; forwarding electronic copies to DPI to post on its Internet web page; providing written copies to the parents and guardians of pupils attending the private school; making copies available in a binder at the front desk of the private school; and posting the mean average class growth assessments on a poster on the wall of the private school.

Beginning in the 2012-13 school year, the bill also requires a school board and the operator of a charter school to report the scores from standardized examinations required to be administered to pupils at the same level of detail and, with some exceptions, in the same formats required of private schools participating in a PCP. School boards are not required to provide copies of the scores in a binder at the front desk of the school.



for fraudulent representations

***\*Exclusion of private schools from a PCP***

Under current law, DPI may bar a private school from participating in a PCP if DPI determines that the private school has violated certain prohibitions. For example, a private school that fails to submit an independent financial audit of the school that has been conducted by a certified public accountant may be barred from participating in a PCP. The bill creates the following additional grounds for DPI to bar a school from participating in a PCP:

1. Failure to comply with the disclosure requirements established in the bill.
2. Failure to comply with the teacher licensure requirements established in the bill.
3. Failure to develop policies on truancy, excused and unexcused absences, bullying, pupil engagement in learning and emotional development, and promoting parental involvement and volunteerism, as required in the bill.
4. Failure to maintain, provide copies of, and issue pupil records as required in the bill.

***Fraudulent representations***

~~Not~~ <sup>also</sup> Current law prohibits a person, with the intent to sell a product or service to the public or induce the public to enter into a contract, from making any assertion or statement that is untrue, deceptive, or misleading in its advertising or other representations made to the public. The bill authorizes DPI to prohibit a private school from participating in a PCP in the following school year if the private school has violated this prohibition. ~

**Insert 5-5A**

4. In each school in the school district, prominently display the Measures of Academic Progress growth assessments and the growth assessments for any other nationally recognized assessments administered during the school year to pupils attending the school on the wall of the school within 30 days of receiving scores from the assessment company. The display under this subdivision shall provide mean average class growth for each grade and class in the school to which the assessments were administered in the school year in each of the following subjects:

a. Reading.

b. Language arts.

c. Math.

<sup>e d.</sup>  
4. Science.

1

*ee.*  
5. Social studies.

2

**Insert 5-5C**

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4. Prominently display the Measures of Academic Progress growth assessments and the growth assessments for any other nationally recognized assessments administered during the school year to pupils attending the charter school on the wall of the school within 30 days of receiving scores from the assessment company. The display under this subdivision shall provide mean average class growth for each grade and class in the school to which the assessments were administered in the school year in each of the following subjects:

10

a. Reading.

11

b. Language arts.

12

c. Math.

13

*ed.*  
4. Science.

14

*ee.*  
5. Social studies.

15

**Insert 8-11**

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7. Prominently display the Measures of Academic Progress growth assessments and the growth assessments for any other nationally recognized assessments administered during the school year to pupils attending the private school on the wall of the private school within 30 days of receiving scores from the assessment company. The display under this subdivision shall provide mean average class growth for each grade and class in the school to which the assessments were administered in the school year in each of the following subjects:

23

a. Reading.

24

b. Language arts.

25

c. Math.

*e d.*  
4. Science.

*e e.*  
5. Social studies.

**Insert 16-8**

7. Prominently display the Measures of Academic Progress growth assessments and the growth assessments for any other nationally recognized assessments administered during the school year to pupils attending the private school on the wall of the private school within 30 days of receiving scores from the assessment company. The display under this subdivision shall provide mean average class growth for each grade and class in the school to which the assessments were administered in the school year in each of the following subjects:

a. Reading.

b. Language arts.

c. Math.

*e d.*  
4. Science.

*e e.*  
5. Social studies.

Insert 5-5B

118.225 (3) The rationale for using examination results to evaluate teachers and principals.

SECTION 5. 118.30 (1m) (c) of the statutes is created to read:

118.30 (1m) (c) To the extent permitted under 20 USC 1232g and 43 CFR part 99, beginning in the 2012-13 school year, do all of the following:

1. a. Except as provided in subd. 1. b., report the scores from any examinations required to be administered under this subsection or sub. (6) or (7) for the 5 preceding school years on the <sup>schools</sup> school district's Internet site as soon as the information becomes available and no later than 30 days after receiving scores from the testing company. Scores under this subdivision shall be reported by grade and class and shall include the total number of questions, the number and percentage of questions each pupil answered correctly, the number of questions each pupil answered incorrectly, the mean percentile for the class, the mean average percentile distributions, the mean average scores, and the mean percentage distributions for the examination as a whole and for each of the following topics and subtopics: reading, including determining meaning, understanding texts, analyzing texts, and evaluating and extending texts; mathematics, including processing number operations, geometry, measurement, statistics and probability, and algebraic relationships; science; social studies; and any other topic or subtopic included in the examination.

<sup>The operator of a charter</sup>  
b. ~~A~~ school district is not required to report the information under subd. 1. a. if the number of pupils in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil.

2. Provide the department with an electronic copy of the information described in subd. 1.

charter 2

3. Provide the parent or guardian of each pupil enrolled in the school district with a paper copy of the information described in subd. 1. The information shall be printed in at least 12-point type and provided as soon as it becomes available and no later than 30 days after receiving scores from the testing company. (end Inset 5-5B)

SECTION 7. 118.30 (4m) of the statutes is created to read:

118.30 (4m) The department shall report the information provided under sub. (1m) (c) 2. on the department's Internet site.

SECTION 8. 118.60 (6m) (b) 5. of the statutes is created to read:

118.60 (6m) (b) 5. Electronic copies of the information described in par. (f) 1. within 2 weeks of receiving the scores.

SECTION 9. 118.60 (6m) (e) and (f) of the statutes are created to read:

118.60 (6m) (e) Except as provided in sub. (6p), provide, annually to the department and upon request to any person, all of the following:

1. Rates of graduation, truancy, attendance, suspension, and expulsion in the previous school year, categorized as specified in par. (b) 3. d.
2. The private school's requirements for promotion from grade to grade and for graduation.
3. The private school's safety plan.
4. The number of pupils enrolled in the previous school year who were children with a disability, as defined s. 115.76 (5).
5. The services provided by the private school to pupils who are children with a disability, as defined in s. 115.76 (5).
6. The private school's attrition rate for teachers in the previous school year, as compared to the statewide attrition rate in the previous school year and the attrition rate of the eligible school district in the previous school year.

**Basford, Sarah**

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**From:** Krusick, Peggy

**Sent:** Thursday, March 15, 2012 7:41 PM

**To:** LRB.Legal

**Subject:** LRB 11-4267/1 Topic: Reporting of testing, school choice, school assessment guide

Dear Sarah,

Please Jacket LRB 11-4267/1 for the ASSEMBLY.

Absolutely Awesome in getting this bill jacketed.

Thank you so much!

Peggy

3/15/2012